



Senate Judiciary Committee Approves Feinstein Measure to Criminalize Border Tunnels

-- Committee also approves Feinstein amendment more than doubling the number of new border patrol agents by 2011 --

March 27, 2006

Washington, DC – The Senate Judiciary Committee today approved two amendments sponsored by Senator Dianne Feinstein that would strengthen security at our nation's borders – by criminalizing border tunnels and more than doubling the authorized number of border patrol agents. The amendments were both approved by voice vote.

“Our borders are our nation's first line of defense,” Senator Feinstein said. **“It is more important than ever that we take steps to secure them. And by passing two critical amendments today, the Senate Judiciary Committee took a significant step forward toward this goal.”**

Border Tunnels

This amendment, cosponsored by Senator Jon Kyl (R-Ariz) would criminalize the act of constructing or financing a tunnel or subterranean passage across an international border into the United States. Last month, Senator Feinstein toured a warehouse containing the entrance to a half-mile long tunnel stretching from San Diego through to Tijuana, Mexico discovered by border officials on January 24, 2006.

“For years smugglers have tried to go around our border checkpoints. Now they are trying to go under them. Forty tunnels have been found since 9/11. All but one on the Southern Border. Twenty one in California. I was surprised to learn that there is no law making these border tunnels a federal crime. The time has come to change this and throw the book at those who seek to tunnel under the border.”

- Impose a punishment of up to 20 years imprisonment for constructing or financing a tunnel crossing international borders into the United States;
- Impose a punishment of up to 10 years imprisonment for anyone who demonstrates a reckless disregard for the construct or use of an unauthorized tunnel or subterranean passage on their land;
- Punish any person who uses a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists or illegal goods by doubling the sentence for the underlying offense if convicted;
- Forfeit the assets of anyone involved in the offense, or any property traceable to the offense, in addition to imprisonment;

- Instruct the U.S. Sentencing Commission to amend sentencing guidelines to provide for criminal penalties for persons convicted under this bill, and to take into account the gravity of this crime when considering the base offense levels.

Tunnel Statistics

Since 9/11:

- 40 border tunnels discovered in the United States, all but one have been on the southern border
- 21 of the tunnels were along the California-Mexico border;
- 8 of the tunnels were discovered in San Diego since the beginning of the year; and
- These tunnels range in complexity to from simple “gopher holes” a few feet long at the border, to massive drug-cartel built mega-tunnels.

Border Patrol

This amendment, cosponsored by Senator Jeff Sessions (R-Ala.) would authorize 12,000 new border patrol agents by 2011. Currently, there are 11,000 border patrol agents employed by U.S. Customs and Border Patrol.

“This amendment would more than double the number of border patrol agents,” Senator Feinstein said. “There is no single step we can take more important than this. It would help shore up our borders, prevent flows of undocumented workers, and help keep potential terrorists out of our country.”

This amendment increases the number of Border Patrol Agents by 12,000 agents, including:

- 2,400 in 2007
- 2,400 in 2008
- 2,400 in 2009
- 2,400 in 2010
- 2,400 in 2011

The legislation would also increase the authorized number of port of entry inspectors by 750 inspectors -- from 250 per year to 500 per year over five years.

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